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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,917	10/10/2001	Thomas L. Welsh	FLN.P.US0002	9215
26360	7590	11/07/2003	EXAMINER	
RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER FOURTH FLOOR FIRST NATIONAL TOWER AKRON, OH 44308			NICHOLSON, ERIC K	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,917

Applicant(s)

WELSH ET AL.

Examiner

Eric K Nicholson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

The indicated allowability of claims 9 and 21 is withdrawn in view of the newly discovered reference(s) to Ketcham. Rejections based on the newly cited references follow. The delay in citing this are is regretted. The Finality of the previous Office Action is hereby withdrawn.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. patent 5,423,577 to Ketcham. Figure 3 of Ketcham includes a hollow elbow body member 29 having first and second ends with a bore therebetween. A flange (unnumbered) is shown extending partially into the bore and extending from a first corner of the bend to a second corner of the bend and thereby prevents

overinsertion of the conduit 22 within the bore in the same manner as applicant's flange such as shown by Fig. 7.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,314,696 to Ferguson in view of U.S. patent 5,423,577 to Ketcham.

Ferguson discloses the claimed device except for the end 20 is a threaded connection end for connecting to conduit 21 and not a barbed connection with a seal ring (claims 4,5 and 16). Further, the body "A" is a straight line connector and not an elbow connector with an internal overinsertion preventing flange. Ketcham discloses that it is known in the art to provide a similar type essential catch

coupling with the configuration of an elbow or straight line connector (compare figs. 3 and 13) and further the end of the connector 29 is shown with barbs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the threaded end connection 20 of Ferguson with the barbed end connection as taught by Ketcham in fig. 3, in order to allow for a common connection to a flexible hose. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the body of Ferguson as an elbow as also taught by Ketcham in fig. 3 since such change in shape is readily apparent to those skilled in the art and does not provide a patentable distinction over the prior art.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,314,696 to Ferguson in view of U.S. patent 5,423,577 to Ketcham as noted above and further in view of U.S. patent 5,893,590 to Klinger et al. As noted above the Ferguson and Ketcham combination discloses the claimed device except for the barbed connection does not include a seal ring. Klinger et al. teaches in fig. 15 that it is well known to provide a barbed end of an elbow body with a seal ring 260 for the benefit of additional sealing of the hose on the barbed connection. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to provide the barbed connection of Ketcham with the sealing ring as taught by Klinger et al. in order to gain additional sealing benefits from the seal rather than merely relying on the resilient nature of the hose sealing against the barbed connection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, the cited prior art further shown internal overinsertion prevention flanges in elbow connectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric K Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

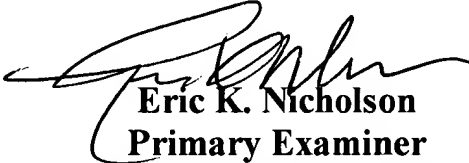
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

ekn  
10/31/03



**Eric K. Nicholson**  
**Primary Examiner**  
**Technology Center 3600**